

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BRYCE FRANKLIN,

Plaintiff,

v.

Civ. No. 23-902 WJ/GBW

D. JACKSON, *et al.*,

Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PFRD”) (*doc. 32*), recommending that the Court grant Defendant The GEO Group, Inc.’s (“GEO”) Motion to Dismiss (*doc. 16*) as to all claims against GEO, and dismiss all claims against the individual Defendants for failure to effect timely service.

This case was referred to the Magistrate Judge to conduct hearings and perform legal analysis pursuant to 28 U.S.C. § 636(b)(1)(B), (b)(3) and *Va. Beach Fed. Sav. & Loan Ass’n v. Wood*, 901 F.2d 849 (10th Cir. 1990). *See doc. 7*. The Magistrate Judge filed his PFRD on September 9, 2025. *Doc. 32*. Neither Plaintiff nor Defendants filed objections to the Magistrate Judge’s PFRD within the allotted time. Appellate review of this issue is therefore waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996).

Failure to object to the PFRD also waives the right to *de novo* review by the district court. *See id.* at 1060; *Thomas v. Arn*, 474 U.S. 140, 149–150 (1985). Nevertheless, the Court has decided, *sua sponte*, to conduct a limited review of the Magistrate Judge’s findings and recommendations in this case. Specifically, this Court has considered whether the PFRD “is clearly erroneous, arbitrary, obviously contrary to law, or an abuse of discretion.” *Freeman v. Martinez*, 2023 WL 7151075, at \*4 (D.N.M. Oct. 31, 2023) (Browning, J.). Having concluded that it is not, the Court will adopt it.

Wherefore, IT IS HEREBY ORDERED that:

(1) The Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 32*) is  
ADOPTED;

(2) Defendant GEO's Motion to Dismiss (*doc. 16*) is GRANTED and the claims against  
Defendant GEO are DISMISSED WITH PREJUDICE;

(3) GEO's Motion to Strike Plaintiff's Supplemental Response Exhibit to Motion to Dismiss  
(*doc. 26*) is DENIED;

(4) Plaintiff's Motion for a Time Extension to Serve Defendants (*doc. 8*) is DENIED;

(5) Plaintiff's Motion for Clarification and Time Extension to Serve Defendants (*doc. 20*) is  
DENIED;

(6) Plaintiff's Motion to Hold Defendant the GEO Group in Contempt (*doc. 21*) is DENIED;  
and

(7) The claims against Defendants D. Jackson, Matthew Montoya, Timothy Hatch, and T.

Hernandez are DISMISSED WITHOUT PREJUDICE for failure to effect timely service.

IT IS FURTHER ORDERED that the Clerk's Office is directed to mail a copy of this Order  
to Plaintiff at his address.

/s/

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WILLIAM P. JOHNSON  
SENIOR UNITED STATES DISTRICT JUDGE